

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SENECA NATION OF INDIANS,

Plaintiff,

v.

10-CV-687A

DAVID PATERSON, Governor of the
State of New York, JAMIE WOODWARD,
Acting Commissioner, New York State
Department of Taxation and Finance,
WILLIAM COMISKEY, Deputy
Commissioner, Office of Tax Enforcement,
New York State Department of Taxation and
Finance, JOHN MELVILLE, Acting
Superintendent, New York State Police, each
in his or her official capacity,

Defendants,

CAYUGA INDIAN NATION OF NEW YORK.

Plaintiff-Intervenor.

ORDER GRANTING TEMPORARY RESTRAINING ORDER

Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Local Rule 65,
Plaintiff Seneca Nation of Indians and the Cayuga Indian Nation of New York have
moved this Court for a temporary restraining order and preliminary injunction against
the defendants, enjoining them from implementing, administering or enforcing N.Y. Tax

Law §§471(1), (2), (5), N.Y. Tax Law §471-e, and 20 N.Y.C.R.R. §74.6 during the pendency of this action.

Upon the Nations' motions and upon reviewing the papers submitted in support of and in opposition to those motions, and hearing argument on the motions on Friday, August 27, 2010, it is hereby

ORDERED that defendants are TEMPORARILY ENJOINED from implementing, administering, and enforcing N.Y. Tax Law §§471(1), (2), (5), N.Y. Tax Law §471-e, and 20 N.Y.C.R.R. §74.6, as applied to the Seneca Nation of Indians and the Cayuga Indian Nation of New York, pending further order of this Court, and it is further

ORDERED that the parties shall appear at a preliminary injunction pre-hearing conference on Thursday, September 2, 2010 at 1:00 p.m.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: August 31, 2010